

## **REMARKS**

Claims 59-84 remain pending in the present application. Claims 59, 70, 76, 77, 78, 81, 83 and 84 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

The undersigned attorney would like to thank Examiner Kalafut for the courtesies extended to him during the personal interview on June 14, 2006. At the interview, the above amended claims were presented. The Examiner indicated that the proposed amendments would overcome the §112 rejection and remove the rejection over Mita. The Examiner indicated that he would consider arguments when presented.

### **REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

Several of the claims have been amended in an attempt to overcome the Examiner's §112 rejection. As was indicated at the interview, the Examiner indicated that the claims overcame the §112 rejection.

### **REJECTION UNDER 35 U.S.C. §102(b)**

The Examiner has rejected Claims 59-63, 65-69 and 78-80 under 35 U.S.C. §102(b) as being anticipated by either Bunyea (U.S. Patent No. 4,871,629) or Ramstrom et al. (U.S. Patent No. 3,999,110).

Independent Claims 59 and 78 have been amended to further define a cordless power tool with a removable battery pack having a housing including a mechanism to couple with the removal battery pack. Also, the removal battery pack includes a housing with one or more cells in the housing. Claim 59 includes an inlet and outlet to enable fluid to enter the housing. Also, a mechanism is associated with the battery

pack to dissipate heat from the battery pack. In Claim 78, a mechanism for sinking heat is associated with one or more of the cells. The mechanism for sinking heat dissipates heat from the cells in the battery pack.

The Bunyea and Ramstrom et al. references fail to disclose or suggest any type of heat sinking mechanism. Accordingly, these references fail to anticipate Applicants' invention. Further, by lacking any type of heat sinking or heat dissipating mechanism, they would likewise fail to render Applicants' invention obvious to those skilled in the art. Accordingly, Applicants believes independent Claims 59 and 78, as well as their depending claims 60-69 and 79-80, to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 80-84 under 35 U.S.C. §102(b) as being anticipated by Mita (U.S. Patent No. 5,456,994). Claims 80-84 further define the removal battery pack to include a mechanism for coupling and decoupling the removal battery pack with a hand held cordless tool.

The Mita reference relates to heat dissipation in an automotive vehicle. Mita fails to disclose or suggest any type of removal battery for a handheld tool. Accordingly, Mita fails to anticipate Claims 80-84. Likewise, Mita would fail to render Applicants' invention obvious to those skilled in the art.

#### **REJECTION UNDER 35 U.S.C. §103(a)**

The Examiner has rejected Claims 59-63, 65-73 and 75-84 as being unpatentable under 35 U.S.C. §103(a) over Schulz et al. (U.S. Patent No. 5,480,734) in view of Bunyea and Mita. The Examiner alleges that this combination would render Applicants' invention obvious to those skilled in the art.

Applicants' claims relate to a cordless power tool with a removal battery pack having a heat dissipating mechanism which enables fluid to move through the tool during use of the tool. The Schulz et al. reference, cited by the Examiner, illustrates heat dissipation while the battery is charging. Nowhere does Schulz et al. disclose or suggest dissipation of heat during use. This is further pointed out in column 2, lines 62-65, where it indicates that "... it can be cooled somewhat to the most favourable temperature during charging". There is no mention of cooling the device during use.

The Bunyea reference cited by the Examiner fails to disclose or suggest any type of heat dissipating mechanism. The Examiner relies on Mita to illustrate a heat dissipation mechanism. However, Mita relates to an automotive application. Mita is not related to a handheld power tool. There would be no suggestion to combine Mita, which shows massive parts to dissipate heat, into a small handheld power tool. Accordingly, one would not look to a massive stationary automobile battery application and apply it to handheld power tools.

Thus, Applicants believe all pending claims to be patentably distinct over the Examiner's combination. Thus, Applicants would submit that all pending claims are in condition for allowance.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

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